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Follow-up actions to the recommendations of the International Conference on Population and Development

Statement submitted by Catholics for a Free Choice, a non-governmental organization in special consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31 of 25 July 1996.

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* E/CN.9/2002/1.

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Reproductive rights and reproductive health with special reference to HIV/AIDS and the Roman Catholic Church

1. Catholics for a Free Choice (CFFC) seeks to shape and advance sexual and reproductive health policies that promote women's human rights and well-being and respect the moral capacity and right of both women and men to make moral decisions regarding sexuality and reproduction. With supporters in more than 100 countries and partners throughout Latin America, Canada and Europe, CFFC is committed to advancing the principles, goals and objectives of the Programme of Action of the International Conference on Population and Development, held in Cairo in 1994, especially those related to reproductive rights and reproductive health. CFFC welcomes the report of the Commission on Population and Development on world population monitoring, 2002, on the Commission's theme, "Reproductive rights and reproductive health, with special reference to HIV/AIDS" (E/CN.9/2002/2), as a tool to consider and advance the reproductive rights and health of women and their families worldwide.

2. The report identifies country-specific examples of progress made towards access to reproductive health care and services as well as increased restrictions. CFFC notes that the report cites the Holy See as one of four "countries" that prohibit abortion (the other countries include Chile, El Salvador and Malta). We also note that the report does not mention the Holy See's prohibition on all modern methods of contraception — even condoms to prevent the spread of HIV/AIDS and unwanted pregnancy. Furthermore, when considering the actions and positions of the Holy See as those of a "country", it is important to consider the complete role of the Holy See in the international arena as both a religion and a State, as Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights on the question of religious intolerance, has recognized.

3. In his report submitted to the fifty-sixth session of the Commission on Human Rights (E/CN.4/2000/65), Mr. Amor explained that he had visited the Holy See because of its significance as a "religious institution". He describes the visit as "untypical" in that, although the Holy See has juridical personality as a State, it was visited owing to its role as a religious institution (article 117). The Roman Catholic Church has a unique dual status and is recognized within the United Nations system as a non-member State with Permanent Observer status. It is also one of the world's largest religious institutions, claiming one billion adherents worldwide. Therefore, when conducting analysis of positions on reproductive rights and reproductive health and the Holy See, it is necessary to deal with it as both an actor in the State arena and as an institution acted upon by States. In this statement, CFFC primarily addresses questions of reproductive rights and reproductive health in the context of the institutional Roman Catholic Church as an actor influencing women's reproductive rights and health in church and society.

4. While the report accurately describes the institutional Roman Catholic Church's position on abortion, it should be noted that the institutional church's positions on abortion and modern methods of contraception are not monolithic and the views presented by representatives of an institutional church are subject to different interpretations within the Roman Catholic Church. The Holy See's "prohibition" on abortion and contraception and the use of condoms to prevent the spread of HIV/AIDS is not subject to papal infallibility and Catholics are free to disagree with these institutional positions. In relation to positions held by the

institutional church on reproductive rights and reproductive health, it should be noted that positions of the institutional church are a minority opinion.

5. As Catholics, CFFC shares the institutional commitment of the Roman Catholic Church to poverty alleviation and respect for the dignity and rights of the marginalized, especially refugees, immigrants and the economically poor, most of whom are women. In her oral statement to the thirty-second session of the Commission on Population and Development acting as the preparatory committee for the special session of the General Assembly on the review and appraisal of the implementation of the Programme of Action of the ICPD, the President of CFFC, Frances Kissling, explained to the Commission that the world's Catholics not only support economic, social and human development, debt cancellation and job creation, but also support reproductive rights, including the moral right to follow one's conscience on issues of family planning, as well as on the very difficult question of abortion.

6. In spite of the Holy See's pronouncements on its unequivocal prohibition of abortion and modern methods of contraception, Catholics support and use modern contraception. Catholics use church-approved periodic abstinence only in single digit percentages.

7. Of particular significance to the report is the Holy See's ban on condoms for the prevention of HIV/AIDS. CFFC would like to bring to the attention of the Commission the fact that the institutional Roman Catholic Church claims to provide treatment for 25 per cent of those infected with HIV/AIDS. According to the report, an estimated 40 million people were living with HIV/AIDS at the end of 2001. This means that approximately 10 million people currently infected with HIV/AIDS are being treated by a caregiver who denies them information about and actual provision of condoms to prevent further spread of the disease. The 100,000 Catholic hospitals and 200,000 social service agencies worldwide that fall under the jurisdiction of the Holy See are forbidden from providing condoms and safer sex instruction — even to those who are not Catholic.

8. Internationally recognized standards of medical ethics maintain that patients be given complete and accurate scientific information regarding the treatment and prevention of disease. Given the high risk of death from HIV/AIDS, and in particular the high rate of heterosexual transmission of HIV/AIDS to women in Africa, the Church's total opposition to education about and use of condoms clearly violates such international standards of medical ethics and contributes to the further spread of HIV/AIDS. Many women worldwide have no right to say no to dangerous sex. And as noted in the report, 67 per cent of HIV-positive people in Sub-Saharan Africa from the ages of 15 to 24 are women and girls. One reason for the prevalence of infection among young women is that they are unable to negotiate partner fidelity. Hence, to deny them condoms is to be willing to condemn them — and their children — to death.

9. It is not only the Catholic laity who disagree with the Holy See's ban on condoms. Individual bishops from France, the Netherlands, Brazil and South Africa have publicly stated that condoms should be allowed to prevent the spread of HIV/AIDS. Yet the Holy See, in its capacity as a non-member State with Permanent Observer status at the United Nations, has used its political status at major humanitarian meetings, including the International Conference on Population and Development, the Fourth World Conference on Women in Beijing and the recent

special session on HIV/AIDS, to advance a religious view that opposes condoms and safe sex education.

10. Furthermore, officials of the Roman Catholic Church around the world actively obstruct national commitments to implement the Programme of Action of the International Conference on Population and Development. Some examples include:

(a) In 1996, in Nairobi, Cardinal Maurice Otunga, Kenya's leading Roman Catholic Church official, burned boxes of condoms and safe sex literature;

(b) Last year in Zambia, health officials withdrew a hard-hitting anti-AIDS campaign that urged safe sex and condom use after the Roman Catholic Church complained that it promoted promiscuity;

(c) In 1996, the local Roman Catholic church in Tegucigalpa, Honduras, prevented the distribution of one million condoms by health and election officials at polling stations during a primary election;

(d) Cardinal Alfonso Lopez Trujillo and Bishop Elio Sgreccia of the Pontifical Council for the Family issued an official church document on human sexuality that stated, "Parents must reject the promotion of so-called 'safe sex' or 'safer sex,' a dangerous and immoral policy based on the deluded theory that the condom can provide adequate protection against AIDS".

Recommendations and conclusion

11. Given the international recognition of the importance of condoms for the prevention of the deadly disease of AIDS, CFFC respectfully urges the Commission on Population and Development to provide data on the effect that denying information about and provision of condoms to prevent HIV/AIDS has on contributing to the spread of the disease. Of particular importance would be data showing the number of HIV/AIDS infected people who would likely continue to have sex — as opposed to those who would abstain — and the rate of HIV/AIDS infection that would result from continued sex by those who do not have information about and access to condoms.

12. CFFC recommends a change in the policies held by the Holy See to support the use of condoms to prevent AIDS and other diseases; to approve the use of modern methods of contraception, including emergency contraception, to prevent unwanted pregnancy; and to support non-coercive, safe and legal abortion.

13. As Catholics, CFFC takes pride in the many human rights positions taken by the Holy See. However, we note shortcomings in internal and external church human rights policies related to women and reproductive rights and reproductive health as correctable blindspots. It is our hope that this statement is received in good faith, with our best intentions to promote reproductive rights and reproductive health for women and their families around the world — Catholic and non-Catholic alike.